

Application No. 09/940,519
Reply dated April 28, 2004
Response to Office Action dated February 4, 2004

REMARKS/ARGUMENTS

Allowed and allowable claims

Applicant appreciates that Examiner Williams has indicated the subject matter of claim 3 is allowable.

Telephone interview

Applicant's counsel greatly appreciates the courtesy extended by Examiner Williams during the course of a telephone interview conducted on February 17, 2004. In the interview, Applicant's counsel stated that column 3, lines 60-69, of the Fujioka patent cannot be fairly interpreted as indicating that there are two completely separate driven plates (26) between two adjacent friction plates (27). According to the records of Applicant's counsel, Examiner Williams agreed and requested that this argument be set forth in the reply to the Office Action.

Rejection under 35 U.S.C. §102

Claim 7 was rejected under 35 U.S.C. §102(b) as being anticipated by Fujioka (U.S. Patent 4,450,944). Specifically, it was contended that column 3, lines 60-69, of the Fujioka patent indicated that there were two completely separate driven plates (26) between two adjacent friction plates (27). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Column 3, lines 60-69, of Fujioka states that “oil ... spreads over the friction surfaces of the driven plates 26....” As discussed in the interview, a friction surface of the driven plate (26) is a surface that contacts a friction plate (27), and the language cited by the Examiner merely means that oil flows through the space between a driven plate (26) and a friction plate (27). Thus, the cited language cannot be fairly interpreted as indicating that, as recited in claim 7, there are two completely separate driven plates between two adjacent friction plates. Since Fujioka has not been shown to disclose all limitations of claim 7, claim 7 cannot be anticipated by Fujioka.

Rejections under 35 U.S.C. §103(a)

Claims 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fujioka in view of various references. As discussed above, Fujioka does not teach or suggest at least one limitation of claim 7. In addition, the Examiner did not allege that the other cited references teach or suggest this one limitation. Therefore, the Examiner has not established that the cited references teach or suggest every element of each of claims 4-6. Accordingly, claims 4-6 cannot be rendered obvious by the cited references.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the

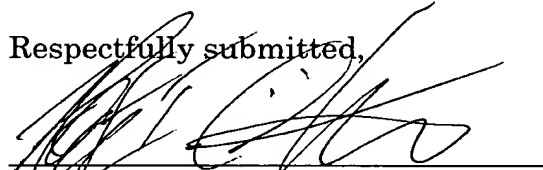
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application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #03876950357).

April 28, 2004

Respectfully submitted,



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